



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,301	07/22/2003	Stephen T. Staphanos	R22.12-0033	7797

7590 06/22/2004

Christopher R. Christenson
Westman, Champlin & Kelly
Suite 1600
900 Second Avenue South
Minneapolis, MN 55402-3319

EXAMINER

FRANK, RODNEY T

ART UNIT	PAPER NUMBER
----------	--------------

2856

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

20

Office Action Summary	Application No.	Applicant(s)	
	10/624,301	STAPHANOS ET AL.	
	Examiner	Art Unit	
	Rodney T. Frank	2856	

-- Th MAILING DATE of this communication appears on the cov r sheet with th correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 6-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>15 Dec 2003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (U.S. Patent Number 6,553,336; hereinafter referred to as Johnson). Johnson discloses a remote monitoring system includes transducers, a transducer control module, a communications device, a monitoring system and end-user display terminals. The transducers are disposed on the property and/or equipment in a manner to measure specific characteristics or parameters and communicate with the transducer control module via a wireless communication protocol. The transducer control module receives and analyzes transducer measurements and detects alarm conditions. The transducer control module communicates with the monitoring system via a wide area network and the communications device. The monitoring system receives, stores and analyzes information received from the transducer control module and reports the information to the end-user terminals via a wide area network, such as the Internet, in response to user requests (Please see the abstract).

In regard to claim 6, Johnson discloses a distributed control and monitoring system comprising an emission monitoring system coupleable to various objects, property or equipment (i.e. a fossil fuel engine and an electric generator; see column 25 lines 26-30), the emission monitoring system for acquiring emission monitoring data (please see column 26 item #28); and a

Art Unit: 2856

remote access node coupled to the emission monitoring system through a computer network, the node allowing remote access to the device output.

In regard to claim 7, a remote monitoring and control node is not disclosed in exact terms, but this node would have to exist in order for the monitoring system to work as disclosed, and therefore this limitation is deemed obvious.

In regard to claim 8, the abstract discloses that the system detects alarm conditions.

In regard to claims 9-12, Johnson discloses that his smart remote monitoring system and method can detect various conditions and parameters from various devices and communicate these conditions, and parameters to remote users, which would meet the limitations of the claims.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The examiner has cited various documents that were not relied upon for the rejection but are deemed relevant to the general state of the art if the present invention.

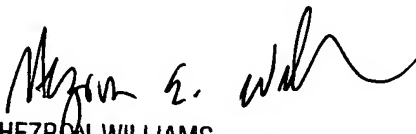
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney T. Frank whose telephone number is (571) 272-2193. The examiner can normally be reached on M-F 9am -5:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2856

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RTF
June 18, 2004



HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800